IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 3014 of 2005

Between:

R. Prabhakar Reddy S/o. Ram Reddy
R/o. Bikumalla Village, Nutankal Mandal, Nalgonda District.

... PETITIONER

AND

1 Union of India, Rep. by its Deputy Secretary, Ministry of Home Affairs,

Loknayak Bhavan (Hyderabad FF Cell), New Delhi.
2 The Government of Andhra Pradesh, Rep. by Its joint Secretary to

Government, Revenue (FF) Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondent in not considering and not granting pension to the petitioner under Swatantra Sainik Samman Pension Scheme, as arbitrary, illegal, and for extraneous considerations and contrary to the Swatantra Sainik Samman Pension Scheme, and to issue a consequential direction to the 1st Respondent grant the pension to the petitioner with effect from the date of application and pay the arrears of pension to the petitioner under Swatantra Sainik Samman Pension Scheme forthwith and to pass such other order or orders which are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.RAJENDRA BABU

Counsel for the Respondent No.1: SMT. Y.B. SARASWATHI (SC FOR CG)

Counsel for the Respondent No.2: GP FOR REVENUE

The Court made the following order:

ORDER:

Petitioner aged about 74 years submits that he is a freedom fighter and participated in Anti Nizam Government movement for merger of Hyderabad State into Indian Union and accordingly applied for pension under Swantantra Sainik Samman Pension Scheme. The matter was referred to the Collector, Nalgonda for enquiry and report as to whether the petitioner participated in the said movement. On enquiry the Collector reported a list showing the names of persons participated in the movement and against whom arrest warrant/detention was issued under Section119 of Defence of Hyderabad Rules, which does not contain the signature of the Director General of Police, Nizam's Government, which suggests that the documents produced are not genuine. In the absence documents of arrest warrant for arresting the person no recommendation was made and only the original application was forwarded to the Secretary. Accordingly, the Government vide its memo dated 11.08.1993 rejected the application of the petitioner.

Thereafter, the matter was re-enquired with regard to the arrest warrant pertaining to the case of the petitioner, which was sent to the Translation Department for translation into English. Petitioner's name was found at Sl.No.10 in the list of 98 persons, when the arrest was issued, petitioner evaded the same and went underground. Another freedom fighter Sri A.R. Reddy, Ex-MLA, also gave a certificate stating that the petitioner's claim, that he is freedom fighter, is genuine and he participated in the Freedom Movement against the Nizam Government for merger of Hyderabad State into Indian Union during 1947-48.

Accordingly, the second respondent recommended the case of the petitioner to the first respondent vide letter No.54526/FF.II/A2/
94-2 dated 07.03.1996 of Revene (FF) Department forwarding the application of the

petitioner and the report of the District Collector, Nalgonda, along with other documents produced by the petitioner with the recommendation of the State Government for grant of freedom fighters pension from the Central funds. But no action has been taken. The Deputy Secretary to Government, Revenue Department, Andhra Pradesh Secretariat addressed another letter No.78453/FF.II-A(2)/2004 dated 07.08.2004 to the Deputy Secretary to Government of India, Ministry of Home Affairs, FF Division, Lok Nayak Bhavan, Khan Marg, New Delhi, enclosing a copy of the earlier recommendation of the State Government dated 07.03.1996 wherein the State of Andhra Pradesh already recommended the case of the petitioner to the Government of India for sanction of Swatantra Sainik Samman Pension Scheme (SSSPS), 1980 as the name of the petitioner was found at Sl.No.10 in the 98 persons list. Accordingly, the Government of India was requested to intimate the present stage of the case as a legal notice was issued by the petitioner.

In spite of such letter no action has been taken by the first respondent. Petitioner, therefore, aggrieved by such an action filed this writ petition.

When the A.P. State Government recommended the case of the petitioner to the Government of India by its letter dated 07.03.1996 and 07.08.2004 there is no justification on the part of the first respondent to sleep over the matter without taking any action in case of a freedom fighter.

Having regard to the facts and circumstances of the case, the first respondent is directed to pass appropriate orders in accordance with law on the recommendation letters addressed by the second respondent within six weeks from the date of receipt of this order.

Accordingly, the writ petition is disposed of. No costs.

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V. ESWARAIAH, J

March 11, 2005

Dsk

To

1 The Deputy Secretary, Union of India, Ministry of Home Affairs,

Loknayak Bhavan (Hyderabad FF Cell), New Delhi.

2 The Joint Secretary to Government, Government of Andhra Pradesh, Revenue

(FF) Department, Secretariat, Hyderabad.

3 Two CCs to GP For Revenue, High Court Buildings, Hyderabad (OUT)

4 Two CD Copies.